AMENDMENT AND RESPONSE UNDER 37 CFR § 1.111
Serial Number: 10/073,546
Filing Date: February 11, 2002
Title: METHOD OF TESTING COMPUTER SYSTEM COMPONENTS
Assignee: Intel Corporation

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REMARKS

This responds to the Office Action mailed on September 8, 2004.

Claims 1, 15, and 24 are amended. Claims 2, 16, and 25 are canceled. New claims 31-33 are added. As a result, claims 1, 3-15, 17-24, and 26-33 are now pending in this application.

Submission of Formal Drawings

Six sheets of formal drawings are submitted herewith. It is believed that these drawings are in compliance with 37 C.F.R. 1.84. No amendments have been made to the drawings.

Amendments to Claims 1, 15, and 24

Each of independent claims 1, 15, and 24 has been amended by substituting "previously been successfully tested" for "been tested"; and by adding the phrase ", wherein if the at least one component is successfully tested, permanently storing an indication that the at least one component has been successfully tested". Support may be found, for example, on page 3, lines 19-24; on page 8, lines 6-9; and in original claim 2. No new matter has been introduced.

New Claims 31-33

New claims 31-33 have been added to provide Applicant with additional protection to which Applicant is entitled. New claims 31-33 are supported by the original disclosure, for example, on page 10, lines 7-11. No new matter has been introduced.

Rejection of Claims 1-30 under 35 U.S.C. §102(b) as Anticipated by McKaughan

Claims 1-30 were rejected under 35 U.S.C. §102(b) as being anticipated by McKaughan et al. (U.S. 6,014,744).

McKaughan discloses a facility for performing selected operations as part of a booting process of a computer system only during iterations of the booting process that immediately follow failed iterations of the booting process (see Abstract). A "booting" flag can be set or cleared, depending upon whether the last iteration of the booting process was completed

successfully (col. 3, lines 1-4). A "diagnostic" flag can be set or cleared to force diagnostic operations without regard for the condition of the "booting" flag (col. 3, lines 5-7). The "booting" flag is cleared if the booting process has completed successfully (col. 4, lines 62-64), and the "booting" flag is set if the last iteration of the booting process did not complete successfully (col. 5, lines 3-8).

It will be noted that, in contrast to McKaughan's disclosure, Applicant's independent claims 1, 15, and 24, as amended, recite that if the at least one component is successfully tested, an indication is permanently stored that the at least one component has been successfully tested. In Applicant's independent claims 1, 15, and 24, the indication is not dependent upon the status of the last iteration of the booting process.

The rule under 35 U.S.C. §102 is well settled that "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2D 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). MPEP §2131.

McKaughan fails to disclose all of the structural elements recited in independent claims 1, 15, and 24, as amended.

For the above reasons, claims 1, 15, and 24 should be found to be allowable over McKaughan, and Applicant respectfully requests that the rejection of claims 1, 15, and 24 under 35 U.S.C. §102(b) as anticipated by McKaughan be withdrawn.

Claims 3-14, 17-23, and 26-33, which depend directly or indirectly from claims 1, 15, and 24, and incorporate all of the limitations therein, are also asserted to be allowable for the reasons presented above.

Additional Elements and Limitations

Applicant considers additional elements and limitations of claims 1, 3-15, 17-24, and 26-33 to further distinguish over the cited references, and Applicant reserves the right to present arguments to this effect at a later date.

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Documents Cited But Not Relied Upon For This Office Action

Applicant need not respond to the assertion of pertinence stated for the references cited but not relied upon by the Office Action, because these references are not made part of the rejections in this Office Action. Applicant is expressly not admitting to this assertion and reserves the right to address the assertion should it form part of future rejections.

Conclusion

Applicant respectfully submits that claims 1, 3-15, 17-24, and 26-33 are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney, Walter W. Nielsen (located in Phoenix, Arizona) at (602) 298-8920, or the below-signed attorney (located in Minneapolis, Minnesota) to facilitate prosecution of this application.

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If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

JENNY M. PELNER

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Date _Feb. 8, 2005_   By _Ann M. McCrackin_
Ann M. McCrackin
Reg. No. 42,858

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this _8th___ day of February, 2005.

Dennis J. Kemph

Name

Signature